

ORIGINAL

United States Federal Court
District of Hawaii
300 Ala Moana Blvd Rm C338
Honolulu Hi 96850

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

MAR 14 2019

at 1 o'clock and 30 min. P M
SUE BEITIA, CLERK

PAID. LS

Aimee N. Greenwood, Alan A. Decoite, Kimberly E. Rose,
Samuel T. Hambek, Claire M.S. Kellerman
VS.
Erik P. Frost, Karin A. Frost

Case No:

Judge:

CV 19 00137 DKW RT

Complaint

1. The Parties to This Complaint

A. The Plaintiff(s)

Plaintiff No. 1

Aimee N. Greenwood
PO Box 763
Kula, Hi 96790
(808) 217-7907

Plaintiff No. 2

Alan A. DeCoite
PO Box 1775
Makawao, Hi 96768
(808) 281-2621

Plaintiff No. 3

Kimberly E. Rose
PO Box 1313
Haiku, Hi 96708
(808) 283-7511

Plaintiff No. 4

Samuel T. Hambek
60 Kuloli Rd
Haiku, Hi 96708
(808) 250-0866

Plaintiff No. 5

Claire M.S. Kellerman
PO Box 703

Received By Mail

Date 3/14/19

(P)
1-312

COMPLAINT, SUMMONS, R-16, Memo,
FSC WRITING, RECEIPT. SASE (UNUSED)

Mailed On

Date 3/15/19

LS

Makawao, Hi 96768
(808) 344-1228

B. The Defendant(s)

Defendant No. 1

Hoku Nui Maui, LLC
Erik P. Frost
PO Box 1347
Makawao, Hi 96768
(808) 572-8711

Defendant No. 2

Karin A. Frost
1215 Piiholo Rd
Makawao, Hi 96768
(808) 572-2657

Comes now, temporary Pro Se Aimee N. Greenwood, Alan A. DeCoite, Kimberly E. Rose, Samuel T. Hambek, Claire M.S. Kellerman In proper persona, wherein pleadings are to be considered without regard to technicalities. Propria pleadings are not to be held to the same high standards of perfection as practicing lawyers. See Haines VS. Kerner 92 Sct 594, also see Power 914 F2d 1459 (11th Cir1990).

We the undersigned continually experienced a hostile work environment, discrimination, retaliation and were often subjected to second hand smoke while employed at Hoku Nui Maui LLC, owned by Karin A. Frost founder of ErgoBaby and owned and operated by her brother Erik P. Frost CEO. Supervised by Greg Raab CFO, COO, Joshua Chavez, and Farm Manager Ryan Anderson.

1. Basis for Jurisdiction

Count I

Right to a smoke free workplace (2011 Hawaii Code 328J-4 Smoking prohibition in enclosed or partially enclosed places of employment) All plaintiffs affected by second and third hand smoke while in meetings and in the workplace due to owner Erik P. Frost's Smoking.

Count II

Hostile work environment (Title VII and HRS 378-2) All plaintiffs experienced A Hostile Work Environment that created undo stress, and disrupted their work.. Including but not limited to Whistleblower retaliation, sexual discrimination, bullying, threats, dismissive and reductionist behavior by management, retaliation against employees, repeated job sabotage over months by managers and owners making it impossible to fulfill job requirements, inappropriate sexual comments in meetings not addressed or reprimanded, upper management was frequently confronted by various employees feeling a hostile environment to no avail.

Count III

Discrimination (Title VII) against women in the workplace examples including women being ignored and dismissed. Plaintiffs affected Aimee Greenwood, Kimberly Rose, Claire Kellerman

Count IV

Sexual Harassment and discrimination in the workplace (Title VII and HRS 378-2) Alan DeCoite was contacted by Greg Raab and Proservices extensively accused of having sex with another employer. Alan DeCoite was also discriminated against for being a military veteran.

Count V

Retaliation (Title VII) against employees Claire Kellerman was fired after asking for a smoke free workplace. Kimberly Rose was also fired after voicing concerns regarding untrained dogs and liability. These claims were made in good faith. Alan was continually treated poorly when he would ask for job assignments to be written after managers and owner repeatedly changed his assignments and reprimanded him for completing assignments. This happened over months, this was discussed in meetings and hostility continued. A manager even told him "you should have rolled the tractor".

Count VI

Employee whistleblower (42 US C 12203, 5 US C 1201) Claire Kellerman was terminated after asking for a smoke free workplace and had previously contacted Proservices about potable water drinking laws. Kimberly Rose was fired after voicing concerns regarding untrained dogs and mismanagement by farm manager. These claims were made in good faith.

Count VII

Unequal wage claim (Equal Pay Act of 1963 and Title VII of Civil Rights Act 1964) Aimee Greenwood was put into a demeaning situation with a young female "consultant" from

California. Aimee Greenwood was told something to the affect by Greg Raab that Owner Erik Frost would move decisions along for the sheep department because he “liked” the consultant. Erik Frost went so far as calling this consultant “Hot” in a team meeting. Aimee Greenwood had to funnel all her knowledge and expertise through the consultant to be heard. The consultant was making so much as three times her pay, to go out to dinner with the owner, have private meetings and skype conversations without the manager of the department Aimee Greenwood present. This consultant never raised livestock, had no knowledge of grazing animals in hawaii, and did not know about basic livestock care. Reports claimed to be her knowledge were written verbatim from Aimee Greenwood’s and Kimberly Rose’s knowledge and comments.

Count VIII

Wrongful termination, Fraud and False Statements (18 US C 47) and Perjury by Greg Raab he wrote Kimberly Rose was terminated for leaving the property. When in reality she did not have set hours and was driven to her car by her supervisor Aimee Greenwood whom let her go home for the day. Greg Raab told Aimee Greenwood the reason for termination and she told him it was not correct, he wrote the termination anyway. Kimberly Rose was falsely terminated. Claire Kellerman was also terminated October 2015 for false accounts written by Greg Raab. She filed an EEOC claim with Wayne Akana in November 2015. These two employees have the same claims, never met and worked at Hoku Nui Maui LLC at different times. Alan DeCoite was also wrongfully terminated while still under doctors care and also filed a claim with the EEOC.

Count IX

Hipaa Law (18 US C 1035) Violation Greg Raab called Samuel Hambeks therapist without his consent.

Count X

Fraud (18 US C 1001 and 29 US C 201 and 29 CFR 778.107) 2015-2016 and Employees were told that they could not go over time, if they did they were to “save” their hours for weeks that they worked less than 40 hours. Some employees received overtime and some did not.

2. Statement of Claim

The facts of this case are as follows see Exhibit 1 whistleblower claim and Exhibit 2 Notarized Affidavits and statements written by plaintiffs.

3. Relief

The plaintiffs are asking for a public apology in the Maui Newspaper and Monetary relief to cover Pain and Suffering, Emotional Distress and Punitive Damages. A few of the plaintiffs sought therapy due to the hostile and threatening work environment.

- Requesting a jury trial by peers at which time we hope the court will make a fair and just monetary decision for all plaintiffs that worked at Hoku Nui Maui LLC.

- including any and all legal and attorneys fees, expenses and court costs

Examples of Hostile Work Environment Cases:

- Case No. 2:13-cv-03045-EFS, in U.S. District Court for the Eastern District of Washington]. EEOC initially filed suit against Global Horizons and two Yakima, Wash., farms in April 2011, charging a pattern or practice of national origin and race discrimination, harassment, constructive discharge and retaliation against the Thai farmworkers, in violation of Title VII of the Civil Rights Act of 1964 District Court Judge Leslie E. Kobayashi awarded EEOC a default judgment of \$12.3 million in damages.

- Davis v. Packer Engineering, Inc., No. 1:11-cv-07923 Danya Davis, Bernese Wilson, and Shannon Webb awarded \$6.45 million for Hostile Work Environment and Retaliation. Settlements have been reached with four other Hawaii farms, Mac Farms of Hawaii, Kelena Farms, Captain Cook Coffee Company and Kauai Coffee Company, according to court records. However, only Del Monte's settlement has been announced by the EEOC.

- In April 2011, the EEOC lawsuits in Hawaii and Washington against California-based farm labor contractor Global Horizons and eight farms. Allegations include farm workers being subjected to uninhabitable housing, insufficient food, inadequate wages and deportation threats. The EEOC said that Global Horizons engaged in a pattern or practice of national origin and race discrimination, harassment, and retaliation, when it trafficked more than 200 Thai male victims to farms in Hawaii and Washington where they were subjected to severe abuse.

The Thai workers were assigned to work at six farms in Hawaii: Captain Cook Coffee Company, Del Monte Fresh Produce, Kauai Coffee Company, Kelena Farms, MacFarms of Hawaii, and Maui Pineapple Farms; and two farms in Washington, Green Acre Farms and Valley Fruit Orchards, harvesting a variety of items from pineapples to coffee beans.

4. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with requirements of Rule 11

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in dismissal of my case.

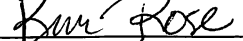
Date of Signing: March 12th, 2019.

Signature of Plaintiff No. 1 

Printed Name of Plaintiff No. 1 Aimee Greenwood

Signature of Plaintiff No. 2 

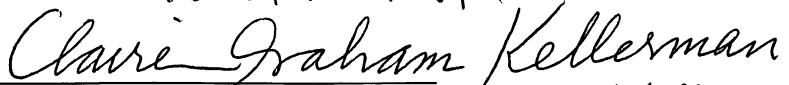
Printed Name of Plaintiff No. 2 ALAN A. DECOITE

Signature of Plaintiff No. 3 

Printed Name of Plaintiff No. 3 Kimberly Rose

Signature of Plaintiff No. 4 

Printed Name of Plaintiff No. 4 Samuel T Hambek

Signature of Plaintiff No. 5 

Printed Name of Plaintiff No. 5 Claire Malibu Sand Kellerman

See Exhibit 1 Hoku Nui Maui, LLC Whistleblower Claim pages 1-6

Exhibit 2 Notarized affidavits and statements written by the plaintiffs Aimee Greenwood, Alan DeCoite, Samuel Hambek, Kimberly Rose, Claire Kellerman

Statements include: right to a smoke free workplace, unsafe work environment, hostile work environment, sexual discrimination, military discrimination, wrongful termination,

retaliation, hipaa violation, unequal wage claim, whistleblower, discrimination against women in the workplace

Other Employees that may have statements or can be subpoenaed Xenya Delate, Kyle Fisher, Christina Pegg, Samantha Deacon, Matthew Goodall et al

CERTIFICATE OF SERVICE

I hereby certify copies were mailed via US Mail to:

Plaintiffs

del Aimee Greenwood PO Box 763 Kula Hawaii 96790
del Alan DeCoite PO Box 1775 Makawao, Hawaii 96768
del Samuel Hambek 60 Kuloli Rd 96708 Haiku Hawaii 96708
del Kimberly Rose PO Box 1313 Haiku Hawaii 96708
Claire Kellerman PO Box 703 Makawao, Hi 96768

Defendants

*Erik Frost
PO Box 1347
Makawao Hi 96768
Karin Frost
1215 Piihola Rd
Makawao Hi 96768*